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[redacted]

R

Stack,

I had lunch ~~today~~ yesterday with Steve Boyd and we talked about the property case and the Liberty claim.

A month has now gone by since Steve was promised responses (cables attached) by GOI officials. Accordingly, we think it might now be useful to jog their memory by calling the Israeli Embassy and asking when we can expect their responses.

Given your earlier contact with Raviv, Steve and I think it would be useful to keep using this same channel of communication

Dave

August 3, 1971

DEPARTMENT OF STATE A/CDC/MR
REVIEWED BY John Kelly DATE 1/24/83
RDS or XDS EXT. DATE
TS AUTH. REASON(S)
ENDORSE EXISTING MARKINGS
DECLASSIFIED RELEASABLE
RELEASE DENIED
PA or FOI EXEMPTIONS

[redacted]

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File Liberty Claim File

Department of State

TELEGRAM

CONFIDENTIAL 606

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PAGE 01 TEL AV 03945 061306Z

40
ACTION L-04

INFO OCT-01 NEA-13 CIAE-00 DODE-00 PM-09 H-02 INR-08
NSAE-00 NSC-10 P-03 RSC-01 PRS-01 SS-20 USIA-12 RSR-01

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R 061047Z JUL 71
FM AMEMBASSY TEL AVIV
TO SECSTATE WASHDC 1844

C O N F I D E N T I A L TEL AVIV 3945

SUBJECT: USS LIBERTY CLAIM

DURING CALLS AT FOREIGN MINISTRY JULY 5 BY DEPARTMENT'S ASSISTANT LEGAL ADVISOR BOYD AND EMBOFF, DIRECTOR NORTH AMERIAN DEPARTMENT ELIZUR SAID GOI STANDS BY ITS PREVIOUS COMMITMENT REGARDING ITS LIABILITY IN LIBERTY CASE. ELIZUR SAID FOREIGN MINISTRY HOPES VERY SOON, POSSIBLY WITHIN FEW DAYS, TO COME FORWARD WITH AN APPROACH TO USG WHICH WILL BRING ABOUT A "MUTUALLY SATISFACTORY SETTLEMENT" OF USG'S CLAIM IN REGARD TO DAMAGE DONE TO VESSEL. ELIZUR SEEMED TO BE HINTING THAT AMOUNT GOI WOULD PROPOSE MAY BE LESS THAN THAT SOUGHT BY USG BUT WHEN ASKED SPECIFICALLY ABOUT THIS BY EMBOFF ELIZUR SAID HE WOULD PREFER NOT TO SAY ANYTHING MORE UNTIL FORMAL GOI PRESENTATION IS READY. ADDED THAT HE HOPED LIBERTY CLAIMS CASE WILL "SOON ALL BE BEHIND US." GP-3. BARBOUR

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28

Def-1-USS Liberty

Department of State **TELEGRAM**

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PAGE 01 STATE 124612

82
ORIGIN NEA 15

INFO OCT 01 SS 20 JPM 04 L 03 H 02 NSC 10 CIAE 00 DODE 00 INR 07

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DRAFTED BY: L:LVCELKERLEY/NEA/IAI:MLISSFELT
APPROVED BY: NEA JOSEPH J SISCO
NEA/IAI:MR ATHERTON
H: MR LEAHY
DEPT OF NAVY CMDR R C SMITH PHONE
DESIRED DIST: COPY TO NAVY DEPT CMDR R E SMITH

092248

R 261746Z JUL 69
FM SECSTATE WASHDC
TO AMEMBASSY TEL AVIV

LIMITED OFFICIAL USE STATE 124612

SUBJECT: USS LIBERTY CLAIMS

REFERENCE: TEL AVIV 2159

1. WE APPRECIATE YOUR THOUGHTFUL COMMENTS CONTAINED REFTEL WHICH HAVE BEEN CAREFULLY CONSIDERED HERE. WE CONTINUE BELIEVE, HOWEVER, THAT WE SHOULD STAND ON POSITION THAT GOI HAS OBLIGATION TO PAY SHIP DAMAGE CLAIM AS WE SUBMITTED IT. THIS POSITION APPEARS TO DEPARTMENT ALSO TO REFLECT OPINION HELD IN REST USG AND GENERALLY IN CONGRESS AND PUBLIC WHICH CONTINUE EVINCE INTEREST IN THIS MATTER.

2. WE RECOGNIZE GOI PROBABLY NOT PRESENTLY DISPOSED TO MAKE PROMPT AND FULL PAYMENT OF SHIP CLAIM IN SAME MANNER AS IT RESPONDED TO PERSONAL INJURY CLAIMS, AND THAT EXTENDED NEGOTIATIONS MAY BE INVOLVED. AS YOU KNOW, WE CONTEMPLATE THAT THOSE NEGOTIATIONS WOULD INVOLVE DISCUSSIONS BETWEEN NAVAL CONSTRUCTION EXPERTS OF BOTH COUNTRIES TO ESTABLISH VALIDITY OF AMOUNT CLAIMED.

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PAGE 02 STATE 124612

3. WHILE ARGUMENTATION DESCRIBED PARA 2 REFTEL WILL PROBABLY BE RAISED BY GOI, DEPT DOES NOT BELIEVE IT APPLICABLE TO QUESTION OF LIABILITY. SUGGEST IT BE COUNTERED AS FOLLOWS.

(A) CLAIM IS FOR DAMAGE ACTUALLY INCURRED BY USG IN ATTTACK. GOI HAS ACKNOWLEDGED RESPONSIBILITY AND UNDERTAKEN TO MAKE PAYMENT FOR QT MATERIAL DAMAGE UNQT.

(B) FAILURE OF USS LIBERTY TO RECEIVE ORDER TO MOVE FARTHER FROM SHORE IS NOT CAUSALLY RELATED TO ATTACK OR DAMAGE INCURRED. GOI FORCES SOUGHT OUT AND ATTACKED USS LIBERTY BECAUSE IT ERRONEOUSLY IDENTIFIED AS HOSTILE VESSEL. ATTACK COULD THEREFORE HAVE OCCURRED ANY PLACE WITHIN OPERATIONAL RANGE ISRAELI AIR AND NAVAL UNITS. UNRECEIVED ORDERS WOULD HAVE MOVED USS LIBERTY EIGHTY RPT EIGHTY MILES OFF COAST, WHICH WELL WITHIN ATTACK RANGE.

(C) USS LIBERTY PRESENTLY MOTHBALLED BECAUSE FUNDS LACKING FOR RECONSTRUCTION. FUNDS FOR RECONSTRUCTION WERE UNSUCCESSFULLY SOUGHT IN 1970 DEPT DEFENSE BUDGET AND PRESENT PLANS ARE TO SEEK FUNDS FOR RECONSTRUCTION IN 1971 BUDGET. NO INTENT SCRAP VESSEL.

4. WHILE DEPT RECOGNIZES DEATH CLAIMS PAID IN FULL, AND GRATIFIED BY PROMPTNESS OF FULL PAYMENT PERSONAL INJURY CLAIMS, IT BELIEVES GOI SHOULD UNDERSTAND USG EXPECTS GOI FULLY TO SATISFY ITS RESPONSIBILITIES FOR DAMAGES CAUSED.

5. EMBASSY COMMENTS INVITED.
RICHARDSON

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Def 1 USS Liberty

Department of State TELEGRAM

Met

CONFIDENTIAL 817

PAGE 01 TEL AV 03095 130921Z

ACTION NEA 15

INFO OCT 01, CIAE 00, DODE 00, JPM 04, H 02, INR 07, L 03, NSAE 00, NSC 10,
P 04, RSC 01, PRS 01, SS 20, USIA 12, RSR 01, /081 W
075346

R 130900Z AUG 69
FM AMEMBASSY TEL AVIV
TO SECSTATE WASHDC 474

C O N F I D E N T I A L TEL AVIV 3095

SUBJ: USS LIBERTY CLAIMS

REF: STATE "34612#

1. EMBASSY UNDERSTANDS LEGALITIES OF SITUATION AS OUTLINED REFTEL, ALTHOUGH MIGHT NOTE PARENTHETICALLY RE PARA 3B REFTEL THAT IF SHIP HAD BEEN EIGHTY MILES OFF COAST IT NOT LIKELY TO BE IDENTIFIED AS HOSTILE ON BASIS IT PROBABLY RESPONSIBLE FOR REPORT--LATER PROVED FALSE--OF NAVAL SHELLING EL ARISH, ETC). PRINCIPAL CONCERN REMAINS, HOWEVER, THAT FINAL SETTLEMENT OF LIBERTY INCIDENT CONTRIBUTE TO OVERALL US OBJECTIVES RE ISRAEL WHILE PROTECTING US LEGAL POSITION AS PRECEDENT. COMPENSATION HAVING BEEN RECEIVED IN FULL TO SATISFY, INSOFAR AS MONEY CAN, HUMANITARIAN ASPECTS OF CALAMITY DOES NOT SEEM CONSISTENT WITH TOTAL AMERICAN POLICY TO PRESS COUNTRY TO WHICH US HAS EXTENDED SUBSTANTIAL MATERIAL AID TO REPAIR DAMAGES TO VESSEL.

2. WITH ABOVE CONSIDERATION IN MIND, SUGGEST NEXT BEST STEP WOULD BE FOR EMBASSY BEGIN NEGOTIATIONS WITH GOI ON BASIS THAT WE AWAIT REPLY TO OUR NOTE TRANSMITTING CLAIM AND HOPE THAT THEY WILL BE IN TOUCH WITH US SOON. BELIEVE APPROACH SHOULD BE ORAL AND FURTHER STEPS CONSIDERED AFTER WE RECEIVE ORAL ISRAELI COMMENTS. GP-3.

BARBOUR

NOTE: AS RECEIVED.

ACTION COPY

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Ref 1 - USS Liberty

November 18, 1969

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The USS Liberty Claims Against Israel

The United States has received $6,889,957 from the Government of Israel in settlement of claims arising out of the Israeli attack on the USS Liberty on June 8, 1967. The Government of Israel paid the following claims in full:

a. Claims on behalf of the families of the 34 men killed in the attack - $3,323,500 (paid May 27, 1968);

b. Claims on behalf of the 164 men injured in the attack - $3,452,275 (paid April 28, 1969);

c. A claim for the costs incurred by the US Government in providing medical treatment to the injured men - $92,437 (paid April 28, 1969);

d. A claim for costs incurred by the US Government in reimbursing crew members for damaged personal property - $21,745 (paid April 28, 1969).

The only unsettled claim is the claim for $7,644,146 for damage to the ship, which is now under discussion.

Background

The USS Liberty was attacked by Israeli naval and air units on June 8, 1967 while steaming in international waters off El Arish. Thirty-four men were killed and 164 injured in the attack. The ship was extensively damaged.

In his note of June 10, 1967 to the Secretary of State, the Ambassador of Israel stated, on instruction, "that the Government of Israel is prepared to make amends for the tragic loss of life and material damage." In his note of the same date to the Ambassador of Israel, the Secretary, after reviewing the circumstances of the attack, stated the expectation of "the United States Government ... that the Government of Israel will provide compensation in accordance with international law." In

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Downgraded at 12-year intervals;
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1 of 1 - USS Liberty

his reply note, dated June 12, 1967, the Ambassador of Israel recalled that as soon as the Government of Israel became aware of the attack it informed the Government of the United States what had taken place, that the Government of Israel had "immediately assumed responsibility for this error" and taken the initiative "to offer to make amends for the tragic loss of life and material damage" and he stated that "the Government of Israel renews its readiness to make amends."

The death and personal injury claims were computed in L/C on the basis of formulae prepared in L/C and approved by the Legal Adviser. The formulae were based on studies of relevant international and domestic decisions. Information necessary for the computations was obtained from individual claimants in a questionnaire executed under oath and from medical reports. The medical expense and personal property claims were based on the actual costs incurred.

Ship Claim

The cost of restoring the USS Liberty to its pre-attack condition was fixed by Navy experts at $7,644,146, and the US presented a claim for this amount to Israel on July 1, 1968. After first taking the position that it was not liable for the damage claimed, the Government of Israel in a note of October 3, 1968, withdrew from that position and suggested that the claim for damage to the ship be discussed when all remaining US claims relating to the USS Liberty were presented. Since all other USS Liberty claims have been presented and paid, we have instructed Embassy Tel Aviv to request a reply to our note transmitting the ship claim.

This matter did not come up during the Golda Meir visit to Washington September 25-26; subsequently, however, we did raise it briefly here with Michael Elizur, Director of the North American Department, MFA, and instructed Embassy Tel Aviv to pursue this claim with him when he returned to Jerusalem in November.

L:L/C:ELKerley/NEA/IAI:MCLissfelt:slb
11/18/69

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